

## **REMARKS**

### **Status of the Claims**

Upon entry of the instant amendment, claims 1, 3-15, 17 and 18 are pending in the above-identified application and stand ready for further action on the merits.

In this Amendment, claim 1 has been amended to recite limitations previously recited in claim 2 (and claim 2 has been canceled to prevent a redundancy with amended claims), and support for this amendment can be found at page 5, lines 10-19 of the present specification. Claim 3 has been amended to correct depending upon only claim 1. New claim 18 describes a preferred configuration of the retainer which is illustrated in Figure 3 and described in the specification at page 5, lines 10-19.

Accordingly, the present amendments to the claims do not introduce new matter into the application as originally filed. As such entry of the instant amendment and favorable action on the merits is earnestly solicited at present.

### **Claim Rejections under 35 U.S.C. §103**

Claims 1-2, 4, 9-14 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Allison US '638 (US 2,971,638) in view of Ehrlund WO '454 (WO 02/38454).

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Allison US '638 in view of Ehrlund WO '454 as applied to claims 1 and 2, further in view of Studer US '709 (US 4,165,709).

Claims 5-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Allison US '638 in view of Ehrlund WO '454 as applied to claims 1 and 4, further in view of Ruoss US '489 (US 3,199,489).

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Allison US '638 in view of Ehrlund WO '454 as applied to claim 1, further in view of Wagner US '207 (US 3,243,207).

Claims 8 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Allison US '638 in view of Ehrlund WO '454 as applied to claim 1, further in view of Frantellizzi US '286 (US 2,694,286).

The rejections are respectfully traversed. In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

*Nonobviousness over the Combination of the Cited References*

First, the primary reference Allison US '638 discloses a dispensing container comprising a rotatable disc-formed blister package (22) sandwiched between a pair of outer sheets (20, 21). The pills are released and removed through an outlet aperture (27) in the back sheet (21). Functionally, the front and back sheets (20, 21) may look as a counterpart of the base of the inner part supporting the rotatable disc according to the present invention.

However, Allison US '638 fails to disclose or suggest an inner part supporting the rotatable disc fitted in an outer casing so as to be slidably extractable from an outer casing for removal of the pills or the like products contained in the disc. Allison US '638 does not provide any suggestion to integrate the outer casing and the extractable inner part carrying the disc to an inseparable unit by means of a retainer, which is an essential feature of the invention as currently claimed.

Therefore, the primary reference Allison US '638 fails to disclose or suggest the claimed features as recited in currently amended claim 1.

Next, the secondary reference Ehrlund WO '454 discloses an outer casing or sleeve (2) with a slidable insert (3) forming a blister package for tablets. The insert is rectangular, not a rotatable disc as recited in the claims. Further, there is no base having an opening for releasing the tablets in Ehrlund WO '454.

Ehrlund WO '454 provides locks between the sleeve and the insert. However, the locks of Ehrlund WO '454 is for keeping the insert within the sleeve, not for preventing separation of the inner part when it is in an extracted position. Thus, the claimed configuration (*i.e.*, the retainer of the present invention) is distinguishable from the configuration of Ehrlund WO '454. According to Ehrlund WO '454, inactivation of the locks allows the insert to completely slide out and separate from the sleeve. In the present invention, it is essential that the inner part and the outer casing remain integrated even when the inner part and the disc are exposed for releasing the tablets or the like. This feature is disclosed or suggested by neither of Ehrlund WO '454 and Allison US '638. Similarly, the other secondary references (*i.e.*, Studer US '709, Ruoss US '489, Wagner US '207 and Frantellizzi US '286) also fail to disclose or suggest the claimed features.

Therefore, a *prima facie* case of obviousness is not established even if the cited references are combined. Likewise, there is not provided any rationale and/or reasonable expectation of success based on the combination of the cited references, by which one skilled in the art could arrive at the present invention as claimed, since the cited references fail to disclose or suggest each of the instantly claimed features, as explained above. Thus, it is submitted that the

present invention is not obvious over Allison US '638 in view of Ehrlund WO '454 and the other secondary references.

Based on the foregoing considerations, Applicants respectfully request that the Examiner withdraw the rejections.

### CONCLUSION

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of the pending claims is allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Toyohiko Konno, Reg. No. L0053 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: December 4, 2009

Respectfully submitted,

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